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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,997	02/16/2001	Kazuyuki Takizawa	203259US6	2829

22850 7590 10/31/2002

OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

EXAMINER

CAO, ALLEN T

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 10/31/2002

#6

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/783,997

Applicant(s)

TAKIZAWA ET AL. *TM*

Examiner

Allen T Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP (2000344353).

JP ('353) discloses a disc tray 23 having a substrate 23b and a resin portion (23c, 23a) placed on the substrate as set forth in claims 1 and 11.

Regarding claim 2, JP ('353) discloses that the substrate 23b is made by a metal material (stainless steel). Regarding claim 3, JP ('353) discloses that the resin portion is placed on a substantially whole surface of the substrate. Regarding claim 4, JP ('353) discloses that the resin portion has a first part along an edge on the disc loading side of the substrate. Regarding claim 5, JP ('353) discloses that the resin further has at least one of a second part placed along another edge on the disc unloading side of the substrate and a third part placed between the first and second parts. Regarding claim 6, JP ('353) discloses that the disc support plate (disc tray) has one of the first, second, and third parts is formed discontinuously. Regarding claim 7, JP ('353) discloses that the third part is formed in a center of the substrate substantially parallel to a disc loading and unloading direction. Regarding claim 8, JP ('353) discloses that the third part is formed substantially symmetrically with respect to a center of the substrate. Regarding claim 10,

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JP ('353) discloses that the resin portion is formed on both faces of the substrate (23c, 23c, figure 4).

JP ('353) does not disclose that the resin portion is placed on the substrate "by printing".

JP ('353) discloses that the resin portion is placed on the substrate "by molding".

It would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the resin portion of JP ('353) which places on the substrate "by printing" instead of "by molding" or another methods.

The rationale is as follows: One of ordinary skill in the art would have been motivated to place the resin portion of JP ('353) on the substrate "by printing" instead of "by molding" or another methods through an obvious matter of routine engineering technique design choice for ease in manufacturing, thus save time and cost. Additionally, it should be noted that "[d]etermination of patentability in 'product-by-process' claims is based on product itself, even though such claims are limited and defined by process, and thus product in such claim is unpatentable if it is the same as, or obvious form, product of prior art, even if prior art product was made by a different process", In re Thorpe, et al., 227 USPQ 964 (CAFC 1985). It should also be noted that a "product-by process claim, although reciting subject matter of claim in terms of how it is made, is still product claim; it is patentability of product claimed and not recited process steps that must be established, in spite of fact that claim may recite only process limitations". See In re Hirao and Sato, 190 USPQ 685 (CCPA 1976).

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('353) in view of Kim (US. 6,009,060).

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JP ('353) does not disclose that the thickness of the resin portion is 0.1 mm - 0.2 mm.

Kim discloses a disc tray having a coating resin portion including a thickness of 0.2 mm - 0.5 mm (claim 1).

However, JP ('353) and Kim do not disclose that the thickness of the substrate is 0.3 mm.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the thickness of the resin portion of JP ('353) equal to 0.2 mm as taught by Kim and also modify the thickness of the substrate of JP ('353) as modified by Kim equal to 0.3 mm through routine engineering technique design choice in order to reduce the thickness of the tray, thus reduce the thickness of the drive.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('353) in view of Goto et al (US. 6,307,828 B1).

JP ('353) discloses all of the elements of claim 12; However, JP ('353) does not disclose a disc changer having a plurality disc trays.


Go to et al disclose a disc changer having a plurality resin disc trays.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the particular disc tray as discloses by JP ('353) into a plurality disc trays of the disc changer of Go to et al as an obvious engineering technique choice.

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ueno et al (US. 4,653,039), JP (05266625 A), Tomiyama et al (US. 5,695,561), and JP (2001-332077).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Cao whose telephone number is (703) 305-3796.


ALLEN CAO
PRIMARY EXAMINER

AC

October 30, 2002